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ABSTRACT

This bulletin looks at the legal services used by school districts in Oregon from three perspectives. First, general ways districts use legal assistance are discussed. Second, profiles of three districts provide examples of different possibilities for hiring and consulting legal counsel, with special attention paid to meeting the demands of Oregon's collective bargaining law. The districts, of different sizes and organizational structures, are Jefferson School District, a central Oregon district with 2,300 students; Jackson County Educational Service District, serving 10 school districts in southern Oregon; and Beaverton School District, a suburban district near Portland with 20,500 students. Finally, the bulletin describes services offered by two statewide educational organizations, the Oregon Department of Education and the Oregon School Boards Association, both of which can provide assistance to districts but cannot themselves provide legal advice. (Author/PGD)

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Legal Services for Oregon School Districts

Maggie Johnson

Vol. 25, No. 6

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OSSC BULLETIN

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Preface

In recent years, school districts have been faced with increasingly complex legal problems. Many of these problems resulted from the need to respond to the provisions of laws such as the Education for All Handicapped Children Act of 1975 (Public Law 94-142) and Oregon's collective bargaining statute (passed in 1973). Additionally, districts must ensure that their school board policies and procedures are legally correct and nondiscriminatory.

Often it is necessary for districts to seek legal assistance with these issues. Many districts have chosen to employ attorneys, while others have found their needs can be met through other avenues. This Bulletin describes several alternatives to legal assistance available to Oregon school districts.

The author, Maggie Johnson, is an OSSC graduate research assistant.

Philip K. Piele
Executive Secretary

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Introduction

Of current concern to many local Oregon school districts is how and where to find answers to their legal questions. Districts especially need legal assistance with many aspects of collective bargaining and other personnel issues. This increased need for legal help with collective bargaining has grown out of districts' need to respond adequately to the state's collective bargaining law.

This Bulletin looks at school district legal services from three perspectives. First, general ways districts use legal assistance are discussed. Second, profiles of three districts provide examples of some different possibilities for hiring and consulting legal counsel. The collective bargaining approaches used by these three districts are also included in their profiles. The districts were selected to provide samples from districts of varying sizes and organizational structures.

Finally, the services of two organizations that can help school districts with some of their legal questions are described. If districts have general legal questions or want more information about new legislation affecting schools, the Oregon Department of Education and the Oregon School Boards Association have personnel with legal expertise available. Both organizations stress adamantly that they cannot and will not give legal advice, but that they are willing and able to answer general questions. They also offer several avenues for providing districts with updates of legislative happenings.

Overview of School District Legal Services

School districts obtain and utilize legal assistance in a variety of ways. One or two districts employ attorneys or legal aides as full-time staff members. The majority, however, contact local attorneys when legal questions arise. Several districts employ attorneys on retainer. The attorney on a retainer may be asked to meet regularly with district administrators and to attend school board meetings.

A school district that hires an attorney--either on a retainer or on an hourly basis--enjoys the privilege of being able to present situations to the attorney either in writing or by personal contact. Attorneys who are well-versed in school law can then provide the district's administration or board with immediate legal assistance. Don Kipp, director of legal and personnel services for the Oregon Department of Education, states that districts that contact local attorneys regularly for assistance benefit from this opportunity for immediate feedback and legal advice. According to Kipp, "These districts seem to have less legal problems than the vast majority of school districts."

Because school districts vary in organizational structure, they may have different needs and uses for their legal counsel. Some districts have personnel who are very familiar with school law. Kipp suggests that those districts probably direct fewer questions to attorneys than other districts whose personnel may not be as familiar with the law. "Experience is a great teacher," he points out.

When Oregon's collective bargaining law went into effect, districts began looking for legal assistance to be sure they were in compliance. During the first few years after the law was passed, many districts employed

attorneys as their chief negotiators, and some still do. Other districts have now moved to using consultant teams to do their bargaining. Many larger districts have personnel sections in their administrative structure. Within some of those personnel sections are trained negotiators who are on the staff full time. In a few districts, the administrators, board members, or selected community members still do the negotiating.

Fewer districts use attorneys for negotiations now than in the recent past. "The reason for that," Kipp explains, "is the school districts have become acquainted with how this works and they use the attorney to write the various articles within the negotiating contract."

Another area of school organization that may require the assistance of an attorney is written policy. Policies are now required as part of the standards established by the State Board of Education Standards. All districts should, therefore, have adopted written policies. Some districts have used their attorneys to help write their policies. Many districts draft a proposed policy, then have their attorney peruse it for legal ramifications before it is presented to the school board for adoption. Kipp endorses that as a good procedure.

Districts' needs and uses of legal counsel vary relative to their size, problems, and financial situation. "There is a direct correlation among all three," reports Kipp. Larger districts have more personnel, and, therefore, more personnel problems. Larger districts tend to have more money, and their increased number of personnel generally requires them to budget more money for legal assistance.

Profiles of Three Districts

The three districts described below vary in size, organizational structure, and geographical region. They all employ attorneys in various capacities relative to their needs. The first district, Jefferson 509J, is a small, north Central Oregon district. Jackson County ESD, the second district profiled, serves ten school districts in the southern part of the state. The third district, Beaverton 48J, is a large district near Portland.

Jefferson School District 509J

Jefferson 509J serves 2,351 students in grades one through twelve. The district employs 166 certificated staff members in its six schools.

Jefferson school district employs two attorneys. One is a labor attorney employed on a retainer basis. He has a written contract for a yearly retainer to be paid on a monthly basis. The other is a local attorney employed on a consultant basis. No formal contract or written agreement has been drawn up with this attorney, but the district has used his services for thirty years. He is generally considered to be "the school district attorney."

Labor Attorney

The labor attorney is employed to advise the district administration on matters relating to collective bargaining, personnel issues (including release of teachers from contracts, dismissal, nonrenewal of contracts), grievances, and contracts. If a grievance moves to arbitration stage, the attorney handles the case at no extra cost. He prepares the case and presents it in the arbitration hearing.

This attorney specializes in labor law and negotiations. He advises the school board and administration as to strategies for negotiations and the parameters of Oregon statutes. He is familiar with rulings and current interpretations relevant to labor law.

In the past, the labor attorney did not conduct bargaining "at the table." Instead, he advised the school board members and the administration as to possible strategies and outcomes. If bargaining went into a fact-finding stage (requiring presentation and a hearing format), the attorney prepared the fact-finding presentation and then went to the table.

Since November, the labor attorney's role has changed. He has become the spokesperson of the bargaining team, so he actually conducts the at-the-table bargaining for his district. He works with a team consisting of one board member, one central office administrator (this year, the assistant superintendent), one principal, and one alternate board member who is not required to attend each session.

The Decision to Employ a Labor Attorney

"Changes in the law and the impact of federal regulations have had more influence than issues such as the size of the district on the decision to use attorneys," according to Superintendent Darrell Wright. In 1973-1974, with the advent of the collective bargaining law in Oregon, the school board and the administration at the time felt they did not have sufficient training in law and bargaining strategies to meet the district's needs adequately. The labor attorney was employed to train the board members and administrators in the legal requirements of collective bargaining.

Jefferson 509J is a large enough district to afford the cost of hiring

an attorney. Wright says, "The size of the district justifies the use of the labor attorney. The frequency of grievances increases with the size of the district. Therefore, it is less expensive and easier to hire the labor attorney on a yearly retainer than to spend the money on individual cases."

For other districts determining whether to have an attorney on a retainer or to hire case by case, Wright suggests that the total cost of all the individual cases be determined and weighed against the cost of a yearly retainer fee. "The district here would have spent just as much money on individual cases as on the retainer, so we can justify the retainer. basis," asserts Wright. An additional advantage is that each year the labor attorney conducts training sessions with the board and administration as part of his services under the retainer. The training sessions are scheduled at the beginning of the bargaining year calendar.

The labor attorney spends approximately 75 hours per year on school district business. The local attorney is employed for approximately 40 hours each year--generally one hour per week or four hours per month. The sporadic use of the local attorney would not justify hiring him on a retainer.

Local Attorney

The local attorney is used as a consultant for individual cases. He is mainly an advisor who has been employed to write contracts for outside services and to review school board policy after it is written. The district writes its own policy, but the attorney may be asked to review it for legal consistency and wording. Occasionally, he has been asked to write a legally correct policy for the district.

"One example of a policy written by the local attorney was that written to regulate student and nonstudent cars in the school parking lots," reports Wright. Because local law enforcement personnel would be assisting in control and citing violators, the district needed exact legal wording.

This attorney advises the school district on matters relating to school governance, school administration, and school finances. One way he has assisted with school finance was to write the ballot for the school bond issue election last year.

District personnel also consult this attorney for advice regarding student discipline, student discipline hearings, and student expulsion. Wright explains, "The district has a policy providing for a hearing and an opportunity to appeal to the school board in student discipline cases. The attorney provides us with advice on insuring we have afforded students all the necessary due process procedures."

If complaints against the district are filed through attorneys, Jefferson 509J employs its attorney to answer those complaints. An example Wright relates is a complaint filed with the Oregon Department of Education and the Office of Civil Rights in Seattle alleging discrimination in the district's girls' athletic programs under Title IX. Because the complaint was filed by an attorney, the district asked its local attorney to prepare an answer to the complaint.

Statute Interpretations

Jefferson School District's attorney is not generally contacted for statute interpretations. "For day-to-day interpretations of state statutes," maintains Wright, "we call the Oregon Department of Education and talk to

Don Kipp or Glenn Middleton, an attorney on the ODE staff." For individual cases that involve statute interpretations, the local attorney is consulted.

For Public Law 94-142 interpretations, the district can contact a person on the Jefferson Educational Service District (ESD) staff who has the background and knowledge to assist with interpretations and policy decisions. If a due process hearing were called (by either parents or the school district) involving the placement of a child, the local attorney would probably be contacted and employed as counsel.

Determining When to Use an Attorney

The line of separation used by Jefferson 509J to determine when to employ an attorney is who is being dealt with. If a situation involves other educators or persons with similar backgrounds, the district's administrators or school board members handle the matter. If, however, an attorney has been called in by the "other side," the district also hires an attorney. "Attorneys deal with attorneys; district personnel deal with nonattorneys," according to Wright.

Jackson County Educational Service District

The Jackson County Educational Service District serves ten school districts in southern Oregon. The largest is Medford, with 10,054 students, and the smallest is Pinehurst, with fourteen students. Jackson ESD's size requires more use for an attorney than would be required by a smaller ESD or a smaller school district.

At the school board organizational meeting each July, an attorney is appointed. The current attorney has been employed for two years. The ESD

is satisfied with his services, so it is anticipated that he will continue to be reappointed.

Attorney Responsibilities

Jackson ESD's attorney is appointed on an "as needed" basis and is paid an hourly fee for his services. He is not generally expected to attend board meetings but does so on occasions when the ESD wants him to present a special report directly to the board.

Most of the issues for which the ESD consults an attorney deal with personnel and the collective bargaining process. The current attorney is a specialist in those areas. Prior to his contracting with the ESD, he had been employed by other school districts, all of which were pleased with the work he performed for them. Jackson County ESD Superintendent Shelby Price stresses, "We sought an attorney that had a good track record in this area. This attorney met the criteria very well, so we employed him." The ESD based its decision on what the attorney was needed for and his experience in that area.

Because no student discipline or Public Law 94-142 matters have arisen, the ESD has not needed to use its attorney in other than personnel matters. If other matters did arise, the current attorney would be contacted first. If a more specialized attorney was needed, the ESD would ask this attorney to recommend someone.

Collective Bargaining

The attorney's collective bargaining workscope consists only of certificated staff issues. He is not used for collective bargaining with the

classified staff. ESD administrative personnel--the business manager, the personnel manager, and the superintendent--conduct negotiations with the classified staff.

Negotiation with the teachers' union is the responsibility of the attorney. According to Price, "He receives his guidelines and directions from the board, and then he takes care of the collective bargaining." No one other than the attorney gets involved with the negotiations with the certificated staff. The attorney talks with the superintendent and the board, but the superintendent does not sit down at the negotiating table. "No member of the board sits in on the bargaining, either," adds Price.

A representative from the management team, chosen by the superintendent, sits in on the negotiations. "I think it's a good experience for people to go through that, so we rotate around," explains Price.

"Another use of the attorney," adds the superintendent, "is the interpretation of the contract as we get through the process of negotiation. Also, if we did have a grievance of some kind, we might turn to the attorney, but it would depend on the nature of the matter." The ESD would first handle a grievance within the district. If it was determined that legal consultation was necessary, the attorney would then be contacted.

ESD Compared with School District

Because ESDs are comprised of a number of school districts, they deal with different issues than individual school districts. A school district's need for an attorney is dependent on the issues it is currently facing.

An example is acquiring land for building sites. That may become a difficult matter for a school district. In addition to consulting an attorney, the school district will usually need to deal with a bonding attorney. The ESD is not faced with that issue, so its need for an attorney is not as great or as specialized.

Often the ESD superintendent is contacted by local school district superintendents about certain issues. According to Superintendent Price, there may be three or four calls of this type each week.

> We do our best to be responsive to that kind of legal request. Quite often, if I'm not sure, or if there is something more that has been settled in a court case, I will talk with Milt Baum or with Don Kipp or with Glenn Middleton (from ODE) about their knowledge of the legal matters, so that when I report back to the local district superintendent, he not only has my thinking, but also the thinking of somebody at the state department. They are the people I use most often.

Beaverton School District 48J

Beaverton School District 48J is a very large school district in Washington County near Portland. Beaverton employs 1,308 certificated staff members and serves 20,448 students in 38 schools. As a large school district, Beaverton requires legal counsel on a regular ongoing basis. For this reason, the district contracts with a firm of attorneys on a retainer for incidental contacts. The district then pays an extra amount, prescribed by the firm, for individual legal matters. The firm has specialists the district can contact for specific needs.

Because the school district has contracted with the same firm of attorneys for several years, there is no written policy for hiring attorneys. The district does, however, examine its relationship with the current firm

annually to determine if the needs of the district are being satisfactorily met. Information from superintendent and staff reports is used to evaluate the firm's satisfactory completion of district requests.

Attorney Responsibilities

Beaverton uses its attorneys for a variety of purposes. Among these are personnel matters, contracts, hearings, dismissals, interpretations of statutes, and litigation. Each department or division within the school district has need for an attorney for some aspect of its functioning. According to Alan Rosseau, Beaverton's assistant superintendent and personnel director, "The district is in constant use of an attorney from one department to another."

Because a firm of attorneys is employed, a specialist is available in almost every area. For example, the instruction division uses the firm for student due process and Public Law 94-142 issues. The firm's labor attorney is sometimes consulted. The business office also uses the attorneys for many matters. For selling bonds, however, a bonding attorney from a separate firm is employed.

The attorneys are not generally used for policy planning. Occasionally, an attorney will check drafts of policy if there are any legal questions. "Once an attorney wrote a draft on due process procedures for dismissal and nonrenewal of probationary teachers that turned into a district policy," says Rosseau.

Collective Bargaining

In collective bargaining, the Beaverton School District seldom uses an attorney. The attorney would be used only for statute interpretations

or consultations if legal questions arose.

Instead, the district employs a full-time employee relations person to do all bargaining and to handle grievances and arbitrations. He also conducts fact-finding when necessary. This person is a trained negotiator with a master's degree in employee relations.

ODE Legal and Administrative Services

The Oregon Department of Education (ODE) legal and administrative services section is staffed by people who have demonstrated their competence in school law. Two attorneys and a legal secretary are employed, as are two former superintendents who have specialized in reading and knowing the law.

Explanations of Laws and Answers to Questions

Because of their knowledge of legal issues, these staff members spend much of their time explaining the requirements of various laws to people in local school districts. The most common requests are for clarification of personnel and student discipline matters. Boundary questions and budgets are also common topics of requests for explanations. Additionally, many people--not just those directly connected with schools--are interested in such issues as forced school closures and reorganization of school districts. "We work with anyone who requests an explanation of laws or who needs technical assistance," reports Don Kipp, ODE's director of legal and personnel services.

Some requests for assistance specific to Public Law 94-142 come to this office, but most are directed to the special education division of ODE. The legal and administrative division, however, is still responsible for the due process hearing procedures established under P.L. 94-142. Kipp explains that the number of questions about this law have decreased since districts have become more familiar with the requirements, and most children needing services have been placed in programs.

The local district administrators who receive explanations of laws from ODE must interpret for themselves how those requirements affect their individual districts. If districts want specific answers about whether the procedures they use are legal, state department personnel will recommend that they contact their own attorneys. According to Kipp, the nature of the question and the attitude of the asker determine whether an attorney should be consulted.

Policy Development

School districts are required by state statute to adopt certain policies and procedures (ORS 332.107, OAR 581-22-238, and OAR 581-22-241). All districts, therefore, should now have policies. Some districts have written very detailed policies, according to Kipp, whereas others have followed just the requirements from the Oregon statutes.

A number of school districts have asked ODE's legal administrative staff to work with them on their policies. In response to these requests, the Personnel Management Advisory Committee (PMAC) was formed. Kipp calls this nineteen-member committee the "best educational-family organization in the state" because all levels of education are represented. The committee is comprised of representatives from teachers, teachers' organizations, the Oregon State Board of Education, the Oregon School Employees Association (representing teacher sides, secretaries, bus drivers, cooks, and custodians), small school administrators, personnel managers, and community college personnel.

The PMAC writes guidelines following legislative action. Several

sets of guidelines and suggested policies have been written for districts to use in forming their own policies. These guidelines are published as a series of documents titled "Suggested Personnel Policy Guidelines for School Districts."

One document in the PMAC series is the Table of Contents 1978. This publication provides a convenient outline for school policies. The numbering system, as well as topic headings, can be used by school districts to fill in the desired policy under each subheading. Although not all the topics included in the Table of Contents are required by law, the PMAC urges districts to carefully consider every topic.

Additional documents in the "Suggested Personnel Policy" series have been written for almost all areas for which written policy has been mandated. These specific "guidelines" publications list the legislative authority for the policy and provide some background information. The documents then spell out a suggested board policy; Kipp emphasizes that this policy is suggested, not mandated. If forms would be needed to implement the policy (for example, personnel forms for a personnel files policy), sample forms are included in the booklet.

Concerning the impact of this policy writing service, Kipp comments, "We're told by district administrators how useful these documents are. Writing policy is very time consuming, but once districts become familiar with what they need as policy, it pays big dividends and they have policy to help them. School districts are very appreciative of the help they have received with writing their policies."

Other Services

The legal and administrative services staff are responsible for several other important functions within ODE. Among these are writing Superintendent's Opinions, coordinating the Fair Dismissal Appeals Board, and organizing workshops.

The state superintendent of public instruction has been empowered to issue Superintendent's Opinions. A Superintendent's Opinion is similar to an Attorney General's Opinion (AGO) in that the superintendent has the same power to respond to educational questions the attorney general has in issuing an AGO. The process is completed as follows. A question is submitted to the state superintendent, Verne Duncan. He refers it either to Milt Baum, associate superintendent for the office of school district services, or to the legal administrative services office. These ODE staff members study and respond to the questions. An attorney on the attorney general's staff then looks at the responses. Finally, the responses are sent out as Superintendent's Opinions.

The office of legal and administrative services maintains a filing system for Superintendent's Opinions. This procedure provides assistance to school districts without the necessity of requesting an AGO. This alternative saves money also, because ODE does not have to pay the expensive fees required to send a question to the attorney general.

Coordinating the Fair Dismissal Appeals Board (FDAB) is also a function of legal and administrative services. The FDAB reviews teacher dismissals and determines whether legal procedures were properly followed to support the districts' decisions for dismissals.

Another major function of the legal and administrative services office is to conduct workshops to explain new legislation and new guidelines. For example, the Personnel Management Advisory Committee developed a hearings document. Workshops were then scheduled around the state to distribute the documents and answer questions. These workshops are open to administrators and anyone else who wants to attend.

This office also conducts numerous studies for the state superintendent of public instruction. The studies may be mandated by the legislature or directed by the State Board of Education. These studies and the other functions of this office provide daily contact with most of the 310 school districts in Oregon.

OSBA Legal Services

The Oregon School Boards Association (OSBA) was first organized in 1946 as an entirely volunteer organization with no paid staff members. Since then, it has grown into an organization whose membership includes 94 percent of the eligible school districts (local school districts, ESDs, and community colleges are eligible).

OSBA now employs seventeen staff members who provide numerous services to school districts ranging from answering simple questions by telephone to providing direct assistance for negotiations and superintendent searches. The OSBA also conducts several workshops each year and produces several publications. Most of the services are provided free of charge to member districts, but more extensive services are provided for a fee on a contractual basis.

OSBA is organized into four major administrative sections. Staff members in each section are responsible for coordinating certain services. This chapter attempts to describe the basic functions within each OSBA administrative section. For further information about individual sections or other OSBA services, the reader may contact the Oregon School Boards Association directly.

Legislative Services

This section of the OSBA is directed by Christopher Dudley. He emphasizes that his staff members do not provide legal counsel to school districts. The OSBA has retained its own counsel, however, who is available to consult with the attorney for any school district. Dudley cautions that the OSBA attorney is not to be used as the school district's attorney.

But if a district has its own counsel and a legal problem arises, the district's counsel can call the OSBA attorney and talk to him about the problem. Dudley encourages districts to retain their own attorneys whenever they have that type of situation because "then they know the person they're dealing with is their counsel."

This section of the OSBA is also available for telephone consultations. The staff members answer questions pertaining to statute provisions. Again, they will not answer specific "Is what we are doing legal?" questions. That type of question can only be answered in terms of what other districts are doing. For example, a staff member may tell a caller that this is what X number of districts are doing in response to that requirement. Dudley stresses, "We will not answer in terms of whether they, in fact, would be violating the law--that's the job of their local counsel."

After each legislative session, OSBA legislative services staff members consult with the state agencies, such as the Workers' Compensation Board, that are writing changes in the administrative rules. They meet to discuss the effect of the rules on various school districts. Additionally, previous problems that districts have had with similar statutes and rules are discussed with the state agencies. The legislative services personnel try to ensure that administrative rules are written in a way that does not go beyond the statutory requirements so that school districts are allowed the maximum flexibility. OSBA personnel then serve as a resource school districts can contact to find out about implementation of new legislation. OSBA will tell districts whether policy changes are required and how they might best be handled.

Another function of the legislative services section, which will not be described here, is legislative lobbying.

Labor Relations and Field Services

Under the direction of Jerry Martin, the labor relations and field services division offers assistance to districts on matters relating to contract negotiations and school district management. Consultant help is available in those areas as part of the services provided by dues. Additionally, general advice about district policies and procedures is given in light of relevant case law. Again, if more specific advice is requested, districts are asked to contact their own attorneys.

In addition to assistance provided as a benefit of paying dues, contracted services provide more intensive help for a fee. Among the contracted services are superintendent searches, at-the-table representation for labor negotiations, grievance arbitration and fact-finding representation, and contract analyses--including suggestions that will help protect districts from serious labor relations problems. Also, some staff members are competent to assist districts in dismissal hearings.

Management studies can also be conducted through this section of OSBA. These studies examine districts' organizational patterns and allocations of resources.

Other Sections

The public information section, headed by Frank McNamara, also provides many services that are benefits for paying dues and some that require payment of a fee. Among the standard member services are annual reports and the receiving of OSBA's five serial publications. Levy/bond passing

assistance is available through this division as a contracted service. Other contracted services include public information workshops and public information counseling.

The policies and training section, directed by Pat Fitzwater, is responsible for coordinating the conferences and workshops conducted by OSBA. Additionally, this division provides districts with policy-writing assistance. This policy service involves maintaining a library of school district policies from Oregon and other states. The policies are cataloged by district name, and individual sections of each policy are cataloged by subject. Copies of policies can be sent to school districts requesting that kind of assistance.

Oregon Council of School Attorneys

In addition to providing staff for all the activities conducted by its various sections, OSBA also provides staff for a separate organization--the Oregon Council of School Attorneys (OCSA). The council is coordinated by Judith Tegger, an attorney on the OSBA legislative services staff.

Membership in the council is open to attorneys representing school boards, school board members who are also attorneys, and individuals in higher education programs with an interest in school law. About 100-120 members are currently enrolled.

Two major meetings are held each year, one in conjunction with the OSBA Fall Convention and the other in the spring. Topics relevant to school law are covered in these meetings. Occasionally, the OCSA meets in response to particular topics.

The other major activity of OCSA is publication of the Oregon School

Law Reporter, OSBA's quarterly update of recent Oregon school law cases. Some other cases are also reported if the decisions have relevance to Oregon education. Anyone can subscribe to the School Law Reporter, at a rate of $25 per year.

Another service of OCSA is to provide school districts with guidelines for hiring attorneys. The council also provides each inquiring district with the names of at least three attorneys in that geographic area who could be contacted. Judith Tegger offers three general suggestions or steps for any district looking for an attorney:

1. Have a clearly defined notion of what duties the attorney will be required to perform (for example, collective bargaining, bonding and insurance, or civil rights issues).

2. When the work scope is clear, ask prospective attorneys for their experience and background in those areas. If an attorney is not experienced in education policy or school law, there are several related experiences that should provide adequate background. Some general areas are: (a) general business background would be helpful if insurance and bonding duties will be needed, (b) government and public contracting experience would be helpful for most areas of school law, and (c) familiarity with administrative procedures or experience representing local city and county governmental agencies provides the same type of experience necessary for school legal responsibilities.

3. Districts should interview the attorneys they are considering. Many districts do not realize that it is legitimate to have all interested attorneys come in and talk so the district can get an idea of the kinds of people available.

Additional questions districts should answer include whether the districts will expect the attorney to attend board meetings and whether the attorney will charge extra for that. "Many school attorneys are on retainers, so it must be clear beforehand what is and is not on that retainer," cautions Tegger. OCSA can be contacted for tips on how to clarify this situation. Districts can talk through any or all of these concerns when they call the council's personnel.

University of Oregon

Another resource in school law is available to school district personnel through the University of Oregon's Division of Educational Policy and Management (DEPM). In fall 1980, DEPM began offering a doctoral program emphasizing law and education. According to a DEPM brochure, the program was established to "assist students in obtaining the knowledge and skills necessary (1) to identify legal issues and problems and to develop solutions to these problems, including designing policies and procedures intended to prevent such problems from occurring, and (2) to understand the social, cultural, political, and economic consequences of significant court decisions and legislative enactments on the governance and management of educational institutions."

Courses specific to school law are offered by DEPM. Among these are law and schools, school law research, teacher rights, student rights, collective bargaining, discrimination and education, school business law, and law and special education. Students are also provided the opportunity to take related courses offered by the political science and history departments and the University of Oregon Law School.

Conclusion

School districts have several resources for legal assistance. If they require answers or counsel concerning a specific legal problem, they can retain an attorney. If a mere explanation of laws or an answer to a general legal question is needed, the Oregon Department of Education and the Oregon School Boards Association have several people on staff who are well-equipped to assist with those problems.

If district personnel or school board members individually want to improve their own skills in school law, they can contract for training through the various outlets offered by the Oregon School Boards Association. District personnel may also avail themselves of the courses in school law offered by the Center for Educational Policy and Management at the University of Oregon.

Interviews

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